

215 84-346-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a Variance from Section 400.1 - to permit an accessory structure to be located in the side yard instead of the rear yard

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

At rear of property, I have only a 10 ft. clearance. I can't attach garage to side of house because the house is complete.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attention for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Attorney's Telephone No.:
Zoning Commissioner of Baltimore County.

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of May, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 18th day of June, 1984, at 10:00 o'clock A.M.

Bel
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE
PETITION AND SITE PLAN
EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
To: Zoning Commissioner
Date: June 11, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Zoning Petition Nos. 84-346-A, 84-349-A, 84-350-A, 84-351-A, 84-352-A,
SUBJECT: 84-353-A, 84-354-Spl., 84-357-A, 84-358-A, 84-359-A, 84-361-A and 84-364-Spl.

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JCH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 8, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. James R. Gugliette, Sr.
1718 Willis Drive
Baltimore, Maryland 21227

RE: Case No. 84-346-A (Item No. 285)
Petitioner - James R. Gugliette, Sr., et ux
Variance Petition

Dear Mr. & Mrs. Gugliette:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

As indicated to your builder, if the variance is granted, the deed should be redrawn to have one metes and bounds description around the entire property.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comments that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

ENCLOSURE

cc: C. Brooke Miller
15 Byway Road
Owings Mills, Maryland 21117

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

May 28, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #285 (1983-1984)
Property Owner: James R. Gugliette, Sr., et ux
S/Ws Willis Dr. 755' S/E Rolling Rd.
Address: 150/150 X 72.24/56.95
District: 13th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 285 (1983-1984).

Very truly yours,

Robert A. Horton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:iss

C-WW Key Sheet
27 SW 16 & 17 Pos. Sheets
SE 7 E Topo
108 Tax Map

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 5-1-84
Item # 285
Property Owner: JAMES R. GUGLIETTE, ET UX
Location: 1513 WILLIS DRIVE 755' S/E ROLLING RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the floodplain is prohibited under the provisions of Section 27-08 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board on 5/1/84.
- Landscaping should be provided on this site and shown on the plan.
- The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Additional comments:

Eugene A. Bober
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. RENCKE
CHIEF

May 9, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: James R. Gugliette, Sr., et ux

Location: SW/S Willis Drive 755' S/E Rolling Road

Item No.: 285

Zoning Agenda: Meeting of 5/1/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- 2. A second means of vehicle access is required for the site.
- 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- 6. Site plans are approved, as drawn.
- 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: George M. Hegmann
Fire Prevention Bureau

REVIEWED: Eugene A. Bober
Planning Group
Special Inspection Division

/mb

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

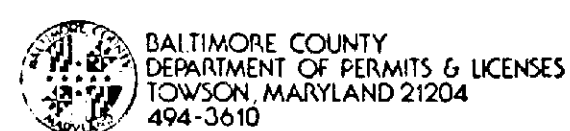
Your petition has been received and accepted for filing this 1st day of May, 1984.

ARNOLD JABLON
Zoning Commissioner

Petitioner: James R. Gugliette, Sr., et ux
Petitioner's Attorney: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BAITMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWNSHIP, MARYLAND 21204
494-3610

May 9, 1984

Dear Mr. Jablon:

Comments on Item # 285 Zoning Advisory Committee Meeting are as follows:

Property Owner: James R. Gugliette, Sr., et ux
Location: SW/4 Willis Dr., 755' S/E Rolling Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard.

Acres: 150/150.63 x 72.24/58.95
District: 13th.

The items checked below are applicable:

A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-80. Structures shall conform to the existing regulations and other applicable codes.

B. A building/structure shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Barnes, Chief
Plans Review

CEB:aa

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of June, 1984, that the Petition for Zoning Variance to permit an accessory structure (garage) to be located in the side yard instead of the rear yard be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Charles E. Barnes, Chief
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. James R. Gugliette, Sr.

People's Counsel

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/4 Willis Dr., 755' S/E : OF BALTIMORE COUNTY
of Rolling Rd., (1718 :
Willis Dr.), 13th Dist. : Case No. 84-346-A
JAMES R. GUGLIETTE, SR., :
et ux, Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that the foregoing Entry of Appearance was mailed this 4th day of June, 1984 to Mr. and Mrs. James R. Gugliette, Sr., 1718 Willis Drive, Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
DATE: May 29, 1984
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items
Meeting - April 24, 1984

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item #275 - Louis Difasquale
- Item #277 - Security Mini Storage
- Item #278 - Industrial Enterprises, Inc.
- Item #281 - Charles L. Carter

Meeting - May 1, 1984

- Item #284 - 122 Slade Ltd. Partnership
- Item #285 - James R. Gugliette, Sr., et ux
- Item #286 - I.U.E. Local #130
- Item #287 - Middle River Square Club, Inc.
- Item #288 - Beechwood Development Corp.
- Item #289 - Bernard W. Baker
- Item #291 - M. TylorGatchell, et ux

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth

IN RE: PETITION ZONING VARIANCE : BEFORE THE
SW/4 Willis Drive, 755' S/E : ZONING COMMISSIONER
of Rolling Road (1718 Willis :
Drive) - 13th Election : OF BALTIMORE COUNTY
District : Case No. 84-346-A
James R. Gugliette, Sr., :
et ux, :
Petitioners :
: : : : :
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) to be located in the side yard instead of the rear yard, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5.5, is rectangular in shape and fronts on Willis Drive for a distance of 150 feet with side boundaries of 78 feet, more or less, and 64 feet, more or less. The 40' x 26' house, recently constructed, is situated 43 feet, more or less, from the right property line as it faces Willis Drive and 61 feet, more or less, from the left.

The garage is proposed to be constructed to the left of the house where a driveway exists. It cannot be constructed to the rear as there is only ten feet between the house and the rear property line and cannot be attached to the house because it would require the destruction of either the living room or kitchen walls which would cause more expense and construction than as proposed.

The Petitioners seek relief from Section 401.1, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th Date of Posting: 6-2-84
Posted for: Variance
Petitioner: James R. Gugliette, Sr.
Location of property: SW/4 Willis Drive, 755' S/E of Rolling Road
(1718 Willis Drive)
Location of Sign: Front of 1718 Willis Drive
Remarks:
Posted by: Ian J. Forrest Date of return: 6-8-84
Number of Signs: 1

May 22, 1984

Mr. & Mrs. James R. Guglietta, Sr.
1718 Willis Drive
Baltimore, Maryland 21227

NOTICE OF HEARING
Re: Petition for Variance
SW/4 Willis Dr., 755' SE of Rolling Road (1718 Willis Drive)
James R. Guglietta, Sr., et ux - Petitioners
Case No. 84-346-A

TIME: 10:00 A.M.
DATE: Monday, June 18, 1984
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 128007
DATE: 6/17/84 ACCOUNT: R-01-615-000
AMOUNT: \$39.30
RECEIVED: J. R. Guglietta, Sr.
FOR: Variance Request - James R. Guglietta, Sr.
Item 385
106
05300000350010 01721
VALIDATION OR SIGNATURE OF CARRIER

CERTIFICATE OF PUBLICATION
TOWSON, MD. May 31, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 31, 1984.

THE JEFFERSONIAN
[Signature]

Cost of Advertising 18.00

Office of
PATUXENT
Publishing Corp.
10750 Lanes End Drive
Columbia, MD 21044

May 31, 1984

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE

was inserted in the following:
☐ Catonsville Times
☒ Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 2 day of June 19 84 that is to say,
the same was inserted in the issues of

May 31, 1984

PATUXENT PUBLISHING CORP.
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff
VS
Defendant

CERTIFICATE OF PUBLICATION OF

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

June 12, 1984

Mr. & Mrs. James R. Guglietta, Sr.
1718 Willis Drive
Baltimore, Maryland 21227

Re: Petition for Variance
SW/4 Willis Dr., 755' SE of Rolling Road
(1718 Willis Drive)
James R. Guglietta, Sr., et ux - Petitioners
Case No. 84-346-A

Dear Mr. & Mrs. Guglietta:

This is to advise you that \$39.30 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130541
DATE: 6-15-84 ACCOUNT: R-01-615-000
AMOUNT: \$39.30
RECEIVED: Mrs. James R. Guglietta, Sr.
FOR: Advertising & Posting - Case No. 84-346-A
106
05300000350010 01721
VALIDATION OR SIGNATURE OF CARRIER

C. Brooke Miller P.L.S.
15 byway road
Owings Mills, Maryland 21117
356-9231

PROFESSIONAL
PLANNING
CONSULTANTS &
LAND SURVEYORS

ZONING DESCRIPTION

BEGINNING on the Southwesterly side of Willis Drive, 29 feet wide, at the distance of 755 feet southeast of the southerly margin of Rolling Road, Being Lots 14, 15 and 16 in the subdivision of O'HEARN PLACE, Book No. W.P.C. 7 Folio 190 part 2. Also known as 1718 Willis Drive in the 13th Election District, Baltimore County, Maryland.

PETITION FOR VARIANCE
13th Election District

ZONING: Petition for Variance

LOCATION: Southwest side, Willis Drive, 755 ft. Southeast of Rolling Road (1718 Willis Drive)

DATE & TIME: Monday, June 18, 1984 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit an accessory structure to be located in the side yard instead of the required rear yard.

Being the property of James R. Guglietta, Sr., et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

